

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

In re:  THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,  as representative of  THE COMMONWEALTH OF PUERTO RICO, <i>et al.</i>  Debtors. <sup>1</sup>	PROMESA Title III  No. 17 BK 3283-LTS  (Jointly Administered)
In re:  THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,  as representative of  PUERTO RICO ELECTRIC POWER AUTHORITY,  Debtor.	PROMESA Title III  No. 17 BK 4780-LTS  Re: ECF Nos. 2050, 2055

**URGENT MOTION TO EXTEND CERTAIN BRIEFING DEADLINES IN  
CONNECTION WITH OMNIBUS MOTION OF PUERTO RICO  
ELECTRIC POWER AUTHORITY FOR ENTRY OF AN ORDER  
(A) AUTHORIZING PREPA TO REJECT CERTAIN POWER PURCHASE  
AND OPERATING AGREEMENTS, AND (B) GRANTING RELATED RELIEF**

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico ("Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To The Honorable United States District Court Judge Laura Taylor Swain:

The Puerto Rico Electric Power Authority (“PREPA”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as representative of the Commonwealth of Puerto Rico (the “Commonwealth”), respectfully submit this urgent motion (“Motion”) for an order extending the briefing schedule related to the *Omnibus Motion of Puerto Rico Electric Power Authority for Entry of an Order (A) Authorizing PREPA to Reject Certain Power Purchase and Operating Agreements, and (B) Granting Related Relief*, [ECF No. 2050] (the “Motion”).

### **BACKGROUND**

1. On July 7, 2020, the Oversight Board filed the Motion, and on July 8, 2020, the Oversight Board filed its *Notice of Submission of Amended Exhibit to Omnibus Motion of Puerto Rico Electric Power Authority for Entry of an Order (A) Authorizing PREPA to Reject Certain Power Purchase and Operating Agreements, and (B) Granting Related Relief*, [ECF No. 2055].

2. On July 14, 2020, Tradewinds Energy, LLC filed a limited objection to the Motion. *Limited Objection and Reservation of Rights of Tradewinds Energy to Omnibus Motion of Puerto Rico Electric Power Authority for Entry of an Order (A) Authorizing PREPA to Reject Certain Power Purchase and Operating Agreements, and (B) Granting Related Relief*, [ECF No. 2067].

3. On July 28, 2020, GS Farjardo Solar filed an objection to the Motion. *Objection of GS Farjardo Solar LLC to Omnibus Motion of Puerto Rico Electric Power Authority for Entry of an Order (A) Authorizing PREPA to Reject Certain Power Purchase and Operating Agreements, and (B) Granting Related Relief*, [ECF No. 2100].

4. Also on July 28, 2020, GG Alternative Energy Corp. (“GG”) requested a short term extension of seven (7) days to file its objection to the Motion. *GG Alternative Energy Corp Motion*

*Requesting a Short Term to File Its Reply to the Omnibus Objection Entered on Dockets #2050, #2055, (the “GG Extension Motion”) [ECF No. 2099].*

5. On July 29, 2020, the Court granted the GG Extension Motion setting GG’s deadline to object for **August 4, 2020, at 5:00 p.m.** (Atlantic Standard Time). *Order Granting GG Alternative Energy Corp. Motion Requesting a Short Term to File Its Reply to the Omnibus Objection*, [ECF No. 2105].

6. The current deadline to reply to objections to the Motion is **August 11, 2020**.

7. The Motion is currently scheduled to be heard at the omnibus hearing on **September 16, 2020**.

### **RELIEF REQUESTED**

8. Pursuant to III.I. of the *Thirteenth Amended Case Management Procedures* [Case No. 17-BK-3283-LTS, ECF No. 13512-1] (the “Case Management Order”), the deadline to file a reply is seven (7) calendar days before the applicable hearing date. The Oversight Board’s reply deadline is currently August 11, 2020, more than seven (7) calendar days before the applicable hearing date. The Motion is set to be heard at the September 16, 2020 omnibus hearing.

9. Because the Court granted the GG Extension Motion extending GG’s deadline to file an objection by seven (7) days, the Oversight Board requests a commensurate extension that will apply to all objections in order to enable the Oversight Board to file one omnibus reply brief.

10. The Oversight Board’s requested extension remains well in advance of the September 16, 2020 hearing and complies with the Case Management Order.

11. Accordingly, the Oversight Board respectfully requests that the Court set **August 18, 2020** as the deadline to file an omnibus reply to the objections to the Motion, which will be heard at the **September 16, 2020** omnibus hearing.

**CONCLUSION**

12. For the foregoing reasons, the Oversight Board respectfully requests that the Court (i) grant the Motion, and (ii) set the briefing schedule above for dispositive motion practice on the Motion.

**Certification of Compliance with  
Local Rule 9013-1 and the Eleventh Amended Case Management Procedures**

13. Pursuant to Local Rule 9013-1 and ¶ I.H of the Case Management Order, the Oversight Board and Committee hereby certify that they have (a) carefully examined the matter; (b) not created the urgency through any lack of due diligence; and (c) made a *bona fide* effort to resolve the matter without a hearing.

*[Remainder of this page intentionally left blank]*

WHEREFORE the Oversight Board respectfully requests the Court enter the Proposed Order attached as **Exhibit A**, granting the relief requested herein and all other relief as is just and proper.

Dated: August 3, 2020  
San Juan, Puerto Rico

Respectfully submitted,

/s/ Paul V. Possinger

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**CERTIFICATE OF SERVICE**

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer  
Hermann D. Bauer

**EXHIBIT A**

**Proposed Order**

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

In re:  THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,  as representative of  THE COMMONWEALTH OF PUERTO RICO, <i>et al.</i>  Debtors. <sup>2</sup>	PROMESA Title III  No. 17 BK 3283-LTS  (Jointly Administered)
In re:  THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,  as representative of  PUERTO RICO ELECTRIC POWER AUTHORITY,  Debtor.	PROMESA Title III  No. 17 BK 4780-LTS  Re: ECF No. 2050, 2055

**[PROPOSED] ORDER GRANTING URGENT MOTION TO EXTEND CERTAIN  
BRIEFING DEADLINES IN CONNECTION WITH OMNIBUS MOTION OF  
PUERTO RICO ELECTRIC POWER AUTHORITY FOR ENTRY OF AN ORDER  
(A) AUTHORIZING PREPA TO REJECT CERTAIN POWER PURCHASE  
AND OPERATING AGREEMENTS, AND (B) GRANTING RELATED RELIEF**

*Upon the Urgent Motion to Extend Certain Briefing Deadlines in Connection with  
Omnibus Motion of Puerto Rico Electric Power Authority for Entry of an Order (A) Authorizing*

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<sup>2</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico ("Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).



*PREPA to Reject Certain Power Purchase and Operating Agreements, and (B) Granting Related Relief* (the “Urgent Motion”);<sup>3</sup> and the Court having found it has subject-matter jurisdiction over this matter pursuant to PROMESA section 306(a); and it appearing that venue in this district is proper pursuant to PROMESA section 307(a); and the Court having found that the Movants provided adequate and appropriate notice of the Urgent Motion under the circumstances and that no other or further notice is required; and upon the record herein, after due deliberation thereon, the Court having found that good and sufficient cause exists for the granting of the relief as set forth herein:

1. The Urgent Motion is **GRANTED** as set forth herein.
2. The following briefing schedule is set for filing responsive pleadings to the Motion:
  - The deadline for the Oversight Board to file any reply in support of the Motion shall be **August 18, 2020**.
  - The hearing on the Motion shall be held on **September 16, 2020**.
3. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

Dated: \_\_\_\_\_, 2020.

SO ORDERED:

\_\_\_\_\_  
HONORABLE LAURA TAYLOR SWAIN  
United States District Judge

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<sup>3</sup> Capitalized terms not otherwise defined herein shall have the meanings given to them in the Urgent Motion.